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EXAMINER

SHARP, JEFFREY ANDREW

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/726,867	HERB, ARMIN	
	Examiner	Art Unit	
	Jeffrey Sharp	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

[1] This action is responsive to Applicant's remarks/amendment filed on 5 May 2005 with regard to the Official Office action mailed on 10 February 2005.

Status of Claims

[2] Claims 1-14 are pending.

Claim(s) 1-7 and 10-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by Plank et al. US-5,655,865.

Claim(s) 1-6 and 10-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by Höfle US-5,489,173.

Claims 8 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Plank et al. US-5,655,865 or Höfle US-5,489,173 in view of Rinderer RE-36,681.

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Plank et al. US-5,655,865 or Höfle US-5,489,173 in view of Rinderer US-RE 36,681 as discussed above, in further view of Fröhlich US-6,086,300.

Specification

[3] The disclosure was previously objected to for informalities. Applicant has successfully addressed these issues in the amendment filed on 5 May 2005. Accordingly, the objections to the specification have been withdrawn.

Claim Objections

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[4] Claim(s) 1, 3-5, and 7-9 were previously objected to because of informalities.

Applicant has successfully addressed these issues in the amendment filed on 5 May 2005.

Accordingly, the objections to the claims have been withdrawn.

As amended, however, claim 3 should include the word --are-- before "positionable", in order to clearly show that it is the "securing means and the complimentary securing means" that are "positionable perpendicular to the stop".

Claim Rejections - 35 USC § 102

[5] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[6] As they are understood, claims 1-7, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Plank et al. US-5,655,865.

In short, Plank et al. '865 substantially teaches a fastening element comprising a rear grip member (1,35), first and second positions, a mounting opening (14) of a hollow body (12), at least one stop (9,29) having two complimentary securing means (one

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complimentary securing means comprising the annular recesses under stop 9,29 partially-receiving projections 6,25 and creating one of a first/transport position and having a depth less than another complimentary securing means comprising two recesses 10,30 fully-receiving the spring biased projections in a second/securing position), a separate annular spacer element (5,27) arranged between a stop (9,29) and the rear grip member (1), comprising diametrically-opposed spring biased projections (6,25), and a fastener (not shown) to connect the rear grip member (1,35) to the stop (9,29) (see Col 5 line 58).

As for Claim 3, the complimentary securing means "co-operate form locking in at least one of the first and second positions". Applicant merely states that the securing means and complimentary securing means are "positionable" perpendicular to the stop, but does not state how "positionable" is any different from how Plank et al. is "positionable". In the remarks, Applicant acknowledges that the prior art teaches a rear grip member that is positionable perpendicular to the stop by stating "Both references refer to fasteners whereby the stop is turned to bring the rear grip member into the second position" and that

As for Claim 4, the Plank et al. '865 reference shows twice the complimentary securing means on the stop (9,29) as there are securing means (6) on the separate annular spacing element (5,27). One complimentary securing means comprises the two securing recesses (10,30), and the other complimentary securing means comprises the two diametrically opposed annular transport recesses under (9,29) -- which are of lesser depth. The number of securing means projections (6,25) is two, and therefore only half of the number of complimentary securing means. It is to be further noted that claims 1 and 4 of Plank et al.

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As for claim 5, one of the two complimentary securing means comprises the two diametrically opposed annular transport recesses under (9,29) -- which are of lesser depth than the other complimentary securing means (10,30).

[7] As they are understood, claims 1-6, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Höfle US-5,489,173.

Höfle '173 shows the same limitations as Plank et al. '865 discussed above, except for those limitations found in claim 7. Instant claim 7 is interpreted as requiring the spacer element (5) to be arranged on the fastening element near the rear grip member facing towards the stop, consistent with Applicant's disclosure. Höfle '173, as required by claim 1, shows annular and projection portions (8,6) of the spacer element (5) being disposed between the stop (9) and rear grip member (1); however, the spacer element (5) is secured to the rear grip member (1) via (7) on the blind side facing away from the stop.

As for Claim 3, the complimentary securing means "co-operate form locking in at least one of the first and second positions".

Claim Rejections - 35 USC § 103

[8] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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[9] As they are understood, claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plank et al. US-5,655,865 or Höfle US-5,489,173 in view of Rinderer US-RE 36,681.

Höfle '173 and Plank et al. '865 show all the limitations as the instant claim 1 as discussed above. However, Höfle '173 and Plank et al. '865 fail to suggest a pair of diametrically opposed spring-biased clips (19.1, 19.2; 34.1, 34.2; 74.1, 74.2) that apply a laterally-perpendicular clamping force against the depending gripping holding projections (6.1, 6.2; 75.1, 75.2).

Rinderer '381 suggests a spacing member comprising a plurality of diametrically opposed resilient (i.e., 'spring biased') clips (50, 58), which apply a force against the gripping holding projections (L). This force helps keep the fastening element assembly in frictional engagement with the projections (L) to prevent sliding along the C-channeled hollow body (C), and to enable 'finer-tuned' axial location of the fastening element assembly along the C-shaped hollow body (C).

At the time of invention, it would have been obvious to one of ordinary skill in the art, to modify the spacing member taught by either Höfle '173 or Plank et al. '865 to comprise '*diametrically opposed spring-biased clips*' as suggested by Rinderer '681, in order to 1) prevent inadvertent sliding along the C-channeled hollow body (C), and to 2) improve and 'fine-tune' the axial location of the fastening element assembly along the C-shaped hollow body (C) by the increase in friction. The clip members may also, as suggested by Applicant, 3) help keep the entire assembly (including the rear grip member) in one of a second and securing position.

Note that the clips may be considered '*integrated stops*' as suggested in claim 9.

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See, also Stover US-4,666,355, which shows diametrically opposed spring-biased clips (34) on a spring-biased spacer element (20), that provide the same function (Figures 3 and 4).

[10] As they are understood, claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plank et al. US-5,655,865 or Höfle US-5,489,173 in view of Rinderer US-RE 36,681 as discussed above, in further view of Fröhlich US-6,086,300.

Höfle '173 or Plank et al. '865 v. Rinderer '381 teach all of the limitations disclosed in the instant claim 8, including two spring-biased clips (which could be considered '*integrated stops*').

However, Höfle '173 or Plank et al. '865 v. Rinderer '381 fails to disclose expressly '*integrated stops*' substantially shown by Applicant.

Fröhlich teaches the benefit of integrated stops (9), which are well-known in the art. See Fröhlich Col 4, lines 4-5, for one simple motivation.

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the fastening element taught by Höfle '173 or Plank et al. '865 v. Rinderer '381, to comprise an integrated stop as suggested by Fröhlich '300 as well as the prior art, in order to 1) create a tactile or acoustic engagement into one of a second and securing position. An integrated stop having a flat thereon would 2) provide further anti-rotational benefits to the assembly, as well as 3) contribute to the abovementioned frictional advantages of the clips. Lastly, an integrated stop would 4) create an alignment surface as suggested by Fröhlich '300.

New Grounds of Rejection

Claim Rejections - 35 USC § 112

[11] The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

[12] Claim 1 and its dependents 2-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1 and where it appears in the claims, the word "means" is preceded by the word(s) "fastener" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

It is not understood whether Applicant intends --a means for fastening the rear grip member to the stop-- or --fastener--. This claim has been treated on its merits as having a "fastener" as is conventionally used in the art, and is supported by the drawings.

Claims 2-14 suffer from deficient claim 1. These claims have been treated on their merits.

Regarding claim 3, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Furthermore, the word "means" is preceded by the word(s) "complementary securing" in an attempt to use a "means" clause to recite a claim

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element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). Lastly the words "form locking" (line 7) are awkward.

All claims have been treated on their merits, as they are definite.

Claim Rejections - 35 USC § 102

[13] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[14] New claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by either Plank et al. US-5,655,865 or Höfle US-5,489,173.

Höfle and Plank et al. substantially teach all of the limitations of base claim 1, as discussed above, and in the previous Office action dated 10 February 2005, including a one-piece spacer element (Höfle 5, Plank et al. 27) having spring-biased elements (Höfle

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11, Plank et al. 28 & 31) arranged between the spacer element and securing means (Höfle 6, Plank et al. 25).

Response to Arguments/Remarks

[15] Claim(s) 1-7 and 10-12 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Plank et al. US-5,655,865. Applicant's arguments/remarks with regard to this reference have been fully considered, but are not persuasive.

Foremost, the fact that the securing means taught by Plank et al. has an inherent ability to be "pre-stressed" does not depart claim 1 from anticipation. Claim 1 merely states "at least one securing means ...arranged between the stop and the rear grip member for temporary fixing...and is mounted spring-biased on the spacer element". It is to be noted, in view of Applicant's remarks, that in col 2 lines 3-7, Plank et al. suggest that the securing means "can be" (i.e., not necessarily) prestressed.

Second, the Examiner acknowledges Applicant's comments on the Plank et al. reference, and agrees that the fastening element taught by Plank et al. may be removed by turning the stop (29) to bring the rear grip member back into the first/transport position from a second/securing position, via the ramp portions (40) on the rear grip member (15,35). This is stated by Plank et al. in col 3 lines 6-12 and col 5 lines 39-45. However, one of ordinary skill in the art would also appreciate that the rear grip member (15,35) taught by Plank et al., when loosely assembled (i.e., when at least one projection 25 is not locked in complementary recess 30 in the form of a recess), could be turned via the fastener element (e.g., screw) when said fastener element is axially displaced. A threaded cooperation has some inherent residual friction, which could cause the rear grip member

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(e.g., elongated nut) to move rotationally (i.e., "fre spin") with the fastener element as it is turned, before the projections (25) engage the complementary securing recess (30). Plank et al. suggest turning (col 2 lines 53-57 and col 6 lines 1-2) a fastener to bring all parts together axially. Therefore, by reversing the axial movement (i.e., "unturning"), all parts would inherently be separated axially. This fastener "loosening" could permit the securing means (projections 35) to dislodge from the complementary securing recess (30) due to the "prestressing" mentioned.

In short, it appears that the teachings of Plank et al., when interpreted broadly, still anticipate the structural limitations, said structural limitations enabling the claimed functional subject matter as an intended use. Note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Further, if it is intended that the rear grip member be "rotationally independent of the stop" and "the projections are located within one complimentary securing recess of lesser depth in a first transport position, and arranged in a second deeper complimentary securing recess of greater depth in a second securing position", then Applicant is urged to claim the invention as such.

Although there appears to be some small differences illustrated in the drawings of the present application, the Examiner maintains that Applicant's broad claim language as amended continues to read on the Plank et al. reference. Applicant is reminded that claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

[16] Claim(s) 1-6 and 10-12 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Höfle US-5,489,173. Applicant's arguments/remarks with regard to this reference have been fully considered, but are not persuasive for the same reasons stated above.

Höfle substantially discloses a similar embodiment to that shown by Plank et al. The stop (9) taught by Höfle has a complimentary securing recess (10) that matches with projections (6) in a second/securing position (i.e., said second/securing position being when the grooves 2 of the rear grip part 1 engage the holding projections 16 of the hollow body 12). The stop (9) taught by Höfle also has a second complimentary securing means being an annular recess underneath the stop (9), which spans a radius between said complimentary securing recesses (10) (i.e., there are twice as many complimentary means than are securing means on the spacer element). Like Plank et al., the device, when loosely assembled with the projections (6) riding in the second complimentary means (annular groove below stop 9), would provide for a first/transport position (i.e., the projections 6 could slide rotationally independent of stop 9, inside the annular groove below stop 9, in such a manner that is perpendicular and transverse to said stop).

Although there appears to be some small differences illustrated in the drawings of the present application, the Examiner maintains that Applicant's broad claim language as amended continues to read on the Höfle reference. Applicant is reminded that claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

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[17] With regard to Applicant's remark that the spacer element taught by Plank et al. and Höfle do not serve as both a spacer and a coupling, one of ordinary skill in the art would readily appreciate the fact that these elements do or are at least configured to, couple and space the rear grip member and stop.

[18] With regard to Applicant's remarks that the omission of parts would not be obvious to those skilled in the art, the Examiner agrees that it is very desirable in industry to reduce the number of working parts for economical purposes, easy managing, and simple assembly, having before worked in a cost-reduction manufacturing group. However, in the event that a prior art reference substantially teaches claimed elements, those claimed elements are still anticipated, regardless of whether or not the reference discloses redundant or unnecessary elements.

[19] Claims 8 and 13 were previously rejected under 35 U.S.C. 103(a) as being obvious in view of Rinderer RE-36,681. Applicant's arguments/remarks with regard to this reference have been fully considered, but are not persuasive for the following reasons.

The Examiner agrees with Applicant that Rinderer illustrates "a plurality of resiliently deformable fin-like members arranged circumferentially around the body except at two locations in a predetermined distance". Applicant clearly shows this same limitation: "a plurality of resiliently deformable fin-like members (herein "spring biased, two clips 19.1, 19.2; 34.1,34.2; 74.1,74.2") that are arranged circumferentially around the body except at two locations in a predetermined distance (i.e., the predetermined distance

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being the circumferential space separating the spring biased two clips 19.1, 19.2; 34.1,34.2; 74.1,74.2)".

All arguments directed toward the shape of Rinderer's clips are not persuasive, because a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1996). Furthermore, the Examiner takes the position that the clips (50) taught by Rinderer and the clips (19.1, 19.2; 34.1,34.2; 74.1,74.2) disclosed by Applicant are art-recognized equivalents for their use in the fastener art, because they both provide the same function of: 1) applying a slight frictional force against the holding projections of the hollow body, 2) maintaining the fastening element in frictional engagement with said holding projections so as to prevent sliding of the fastening element along the hollow body channel, and/or 3) enable a "finer-tuned" location of the fastening element along the channeled hollow body. In the instant case, Applicant summarizes these advantages with the limitation "clip" for "clamp[ing] the fastening element to the holding projections".

In even further view of the foregoing, the Applicant does not positively limit the shape and structure of the clips claimed, and/or how the clips improve or define over those clips suggested by Rinderer, and therefore any arguments over the shape of Rinderer's clips (50) are moot. Clips (50) such as that suggested by Rinderer, would make obvious and anticipate a broadly claimed "clip" employed for the purpose of "clamp[ing] the fastening element to the holding projections".

[20] Claim 9 was previously rejected under 35 U.S.C. 103(a) as being obvious in view of Rinderer RE-36,681 and in even further view of Fröhlich US-6,086,300. In response

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to Applicant's statement that one of ordinary skill in the art would not be lead to the claimed invention because the integral stop portions (9) taught by Fröhlich, it is not required that the prior art disclose or suggest the properties newly-discovered by an applicant in order for there to be a prima facie case of obviousness. *See In re Dillon*, 919 F.2d 688, 16 USPQ2d 1897, 1905 (Fed. Cir. 1990). Moreover, as long as some motivation or suggestion to combine the references is provided by the prior art taken as a whole, the law does not require that the references be combined for the reasons contemplated by the inventor. *See In re Beattie*, 974 F.2d 1309, 24 USPQ2d 1040 (Fed. Cir. 1992); *In re Kronig*, 539 F.2d 1300, 190 USPQ 425 (CCPA 1976) and *In re Wilder*, 429 F.2d 447, 166 USPQ 545 (CCPA 1970). In the instant case, the stops (9) suggested by Fröhlich are advantageous and desirable, because they maintain rotation-free placement of a fastener within a channel hollow body, especially when the fastener is in the second securing position. Integrated stops such as that demonstrated by Fröhlich may also help prevent loosening upon vibration. Fröhlich clearly states (col 4 lines 4-5) that integrated stops provide an advantageous alignment surface.

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *In re Keller*, 642 F. 2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). In this regard, a conclusion of obviousness may be based on common knowledge and common sense of the person of ordinary skill in the art without any specific hint or

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suggestion in a particular reference. *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Note that the flat edged spring elements (11) taught by Höfle are configured to apply a biasing force against the projections (when rotated 90 degrees) and act as "integrated stops". Rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Lastly, Applicant does not specify what an "integrated stop" would convey to those of ordinary skill in the art. Neither the "clip" or "integrated stop" is limited in structural form (claims 8 and 9), and therefore they may be construed broadly.

Conclusion

[21] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action (new claim 14). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

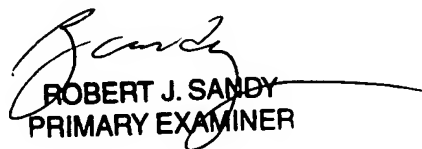
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[22] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached 7:00 am - 5:30 pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS


ROBERT J. SANDY
PRIMARY EXAMINER